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APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Aylus Networks, Inc., a Delaware
corporation,

Plaintiff,

vs.

Apple Inc., a California corporation

Defendant.

CASE NO. 3:13-cv-4700-EMC

**FURTHER JOINT CASE
MANAGEMENT
STATEMENT AND
[PROPOSED] ORDER**

**Date: February 12, 2015
Time: 10:30 a.m.
Judge: Edward M. Chen
Courtroom: 5, 17th floor**

Pursuant to the Civil Local Rules, the Patent Local Rules, and the Clerk's January 26, 2015 Notice (Dkt No. 101), plaintiff Aylus Networks, Inc., ("Aylus") and defendant Apple Inc. ("Apple") submit this Further Joint Case Management Statement in anticipation

of the Further Case Management Conference scheduled for February 12, 2015 at 10:30 a.m., Courtroom 5, 17th Floor, 450 Golden Gate Ave., San Francisco, California, before the Honorable Edward Chen. The parties make the following representations and proposals. For the Court's convenience, this further case management statement only addresses new issues raised by the parties not already covered by the parties' February 6, 2014 Joint Case Management Statement(Dkt. No. 26), August 21, 2014, Further Case Management Statement (Dkt. No. 50), and January 22, 2015 Further Case Management Statement (Dkt. No. 100).

2. STATEMENT OF FACTS:

On January 27 2015 the Court issued a Claim Construction order. The parties have agreed to conduct a mediation session within 45 days of the Court's order, on or before March 13, 2015.

4. MOTIONS: On February 4, 2015, the parties filed a Joint Discovery Letter Brief.

Aylus' position: Given that Aylus' RFPs have been outstanding since March of 2014, and given that Apple's refusal to produce relevant documents relating to numerous claim elements relates to nearly every Aylus RFP, Aylus respectfully requests that the Court take up the issues contained in the letter at the February 12, 2015 Case Management Conference.

Apple's position: Given the breadth of Aylus's discovery dispute, its refusal to identify specific Requests for Production on which it seeks to compel and Apple's proposal to produce technical documents sufficient to show the accused functionality, as shown in Aylus's infringement contentions, for each of the claim limitations, to the extent the Court is at all inclined to grant Aylus's request, Apple respectfully requests full briefing and oral argument regarding this dispute.

17. SCHEDULING: The parties have attached a proposed schedule as Exhibit A.

1 **18. TRIAL:** This matter is to be tried by a jury, and the parties expect the trial
2 to last nine days.

3 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR**
4 **PERSONS:** The parties' disclosures of Interested Entities or Persons identified in the
5 February 6, 2014, Joint Case Management Statement remain current.

6 **20. OTHER:** Except as noted above, the parties are unaware of other matters
7 that may facilitate the just, speedy and inexpensive disposition of this matter.

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11 Dated: February 5, 2015

QUINN EMANUEL URQUHART &
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14 By: /s/ Amar L Thakur
15 AMAR L. THAKUR
16 Attorneys for Plaintiff,
17 Aylus Networks, Inc

18 Dated: February 5, 2015

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20 By: /s/ Mark D. Fowler
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28 Apple Inc.

[PROPOSED] CASE MANAGEMENT ORDER

The above FURTHER JOINT CASE MANAGEMENT STATEMENT & [PROPOSED] PRE-TRIAL SCHEDULING ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions.

IT IS SO ORDERED.

DATED: _____

Hon. Edward M. Chen
United States District Judge

EXHIBIT A

Action	Jointly Proposed Dates
Advice of counsel disclosures under PR 3-7	31 days after claim construction order
Mediation	45 days after claim construction order
Fact Discovery Close	June 4, 2015
Opening Expert Reports	August 7, 2015
Rebuttal Expert Reports	September 9, 2015
Deadline For Expert Discovery	September 29, 2015
Deadline For Filing Dispositive Motions and Daubert Motions	October 19, 2015
Deadline For Responding To Dispositive Motions and Daubert Motions	November 2, 2015
Deadline for Replies To Dispositive Motions and Daubert Motions	November 9, 2015
Hearing on dispositive motions	November 23, 2015
Due date to submit notice of request for daily transcript or real time reporting of court proceedings	21 days before trial
Deadline for lead counsel who will try the case to meet and confer regarding preparation and content of joint pretrial conference statement and preparation and exchange of pretrial materials	42 days before pretrial conference
Deadline to Identify Trial Witnesses	21 days before pre-trial conference
Deadline for Joint Pre-Trial Order and Joint Proposed Jury Instructions and Verdict Form	21 days before pre-trial conference
Deadline to Object To Trial Witnesses	21 days before pre-trial conference
Deadline for Motions in Limine	21 days before pre-trial conference
Pretrial Conference	Based on Court's availability
Deadline for Parties to Submit Joint Jury Questionnaire, if Desired	3 days before trial
Jury Selection	Based on Court's Availability
Trial	March 14, 2016

ATTESTATION CLAUSE

I, William O. Cooper, am the ECF User whose identification and password are being used to file this Joint Case Management Statement and Rule 26(f) Report and [Proposed] Order. In compliance with Civil Rule 5-1(i)(3), I hereby attest that Mark D. Fowler has concurred in this filing.

Dated: February 5, 2015

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

By: /s/ William O. Cooper
WILLIAM O. COOPER
Attorneys for Plaintiff,
Aylus Networks, Inc